

REMARKS

Favorable reconsideration is requested in view of the foregoing amendments and the following remarks.

I. Claim Status and Amendments

Claims 1-3, 5-12, 20-22, 27-31, 35, and 36 were pending in this application when last examined and stand rejected. Claims 4, 13-19, 23-26, 32-34, and 37-41 were previously cancelled.

The claims have been amended to address the formal matters raised in the Office Action. Support can be found throughout the general disclosure and the claims as filed. No new matter has been added.

For instance, claims 1 and 2 are amended to incorporate the definition of Y of claim 3, which has been cancelled without prejudice or disclaimer thereto. Applicants reserve the right to file a continuation or divisional on any cancelled subject matter.

Support for the revision to claim 1 to replace the objected term "aminoacyl" with "acylamino" can be found in the disclosure at page 11, line 16.

Support for the revision to claim 1 to specify R and R' can be found in the disclosure on page 6, lines 20-22.

Other minor editorial revisions have been made to the claims to better conform to US claim and practice and to correct grammar and punctuation.

No new matter has been added.

Claims 3 and 36 have been cancelled without prejudice or disclaimer thereto. Applicants reserve the right to file a continuation or divisional on any cancelled subject matter.

Claims 1, 2, 5-12, 20-22, 27-31, and 35 are pending upon entry of this amendment. These claims define novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed.

II. Provisional Double Patenting Rejection

In item 1 on page 2 of the Office Action, claims 1-3, 5-12, 20-22, 27-31, 35, and 36 were again provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being obvious over claims 1-16 of copending application serial No. 10/381,200 for reasons of record.

In item 2 on page 2, claims 1-3, 5-12, 20-22, 27-31, 35, and 36 were again provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being obvious over claims 1-16 of copending application serial No. 10/381,665 for reasons of record.

Since the rejections are provisional, Applicants respectfully request that they be held in abeyance until allowance of the instant application or the copending applications, in accordance with US practice. See MPEP § 804 I, B(1) and § 822.01

III. Indefiniteness Rejections on Pages 3-8

The Examiner maintained the rejections of claims 1, 11, and 12 under 35 U.S.C. §112, second paragraph, as being indefinite for the reasons in items 4(a)-(ss) on pages 3-8.

Claims 1-3, 5-12, 20-22, 27-31, 35, and 36 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for the reasons in items 11(a)-(qqqqqqqq) on pages 10-33 of the Office Action.

These rejections are traversed.

Applicants have amended the claims to better define the claimed subject matter more clearly and distinctively to overcome the rejections for reasons which are self-evident.

For instance, Applicants have amended claims 1 and 2 to incorporate the meaning of Y from claim 3 (which has been cancelled without prejudice or disclaimer).

Applicants here provide the following comments as to the Examiner's objections:

The objected species in items 4(b)- 4(ss) and in items 11 (s)-11 (kkkkkkkk) are referenced in the table below.

For these species, L¹ and R⁶ are H, and X is 0. It should be noted that species having a substituent in bold/italic in the table are not embraced in amended claims 1 and 2 and have been removed from claims 11 and 12. The other species are clearly embraced by amended claims 1 and 2. Therefore, the corresponding objections should be withdrawn in view of these amendments. Please note that when R³ is substituted with sulfonyl, that includes SO₂CF₃, according to the disclosure on page 7, lines 1-3 of the international publication.

Objection Nb	Ex Nb	Ar ¹	Ar ²	L ²	R ³	R ^{3'}
4b	55	Chlorophenyl	thienyl	COOR ³	C ₁ -C ₆ -alkyl	---
4c	64	Chlorophenyl	thienyl	alkoxy	aryl	--
4d	79	Chlorophenyl	thienyl	phenoxy	--	--

4e	125	Chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with ditiolane	H
4f	130	Chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with amino- (imino)methyl	H
4g	141	Chlorophenyl	thienyl	NR ³ R ³	heteroaryl	H
4h	142	Chlorophenyl	thienyl	NR ³ R ³	heteroaryl	H
4i	149	Chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with sulfonyl	H
4j	151	Chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with OH and cycloalkyl	H
4k	152	Chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with SO₂Nalkyl	H
4l	154	Chlorophenyl	thienyl	NR ³ R ³	heteroaryl	H
4m	155	Chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with SO₂NH₂	H
4n	158	Chlorophenyl	thienyl	phenoxyalkyl		
4o	191	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with SO₂NH₂	H
4p	210	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with SO₂NH₂	H
4q	221	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with ditiolane	H
4r	222	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with amino- (imino)methyl	H
4s	227	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with amino- (imino)methyl	H
4t	231	nitrophenyl	thienyl	NR ³ R ³	heteroaryl	H
4u	232	nitrophenyl	thienyl	NR ³ R ³	heteroaryl	H
4v	241	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with sulfonyl	H
4w	242	nitrophenyl	thienyl	phenoxyalkyl		
4x	246	nitrophenyl	thienyl	NR ³ R ³	heteroaryl	H
4y	255	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with sulfonyl	H
4z	262	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with OH and cycloalkyl	H
4aa	263	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with SO₂Nalkyl	H

4bb	265	nitrophenyl	thienyl	NR ³ R ³	Aryl	H
4cc	266	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with sulfonyl	H
4dd	272	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with dithiolane	H
4ee	279	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with SO ₂ NH ₂	H
4ff	287	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with dithiolane	H
4gg	291	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with amino-(imino)methyl	H
4hh	303	methoxyphenyl	thienyl	NR ³ R ³	heteroaryl	H
4ii	304	methoxyphenyl	thienyl	NR ³ R ³	aryl	H
4jj	311	methoxyphenyl	thienyl	phenoxyalkyl		
4kk	312	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with sulfonyl	H
4ll	317	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with OH and cycloalkyl	H
4mm	318	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with SO ₂ Nalkyl	H
4nn	320	methoxyphenyl	thienyl	NR ³ R ³	Aryl	H
4pp	335	chlorophenyl	furyl	NR ³ R ³	Aryl substituted with SO ₂ NH ₂	H
4qq	346	chlorophenyl	furyl	NR ³ R ³	Aryl substituted with dithiolane	H
4rr	347	chlorophenyl	furyl	NR ³ R ³	Aryl substituted with amino-(imino)methyl	H
4ss	155	Chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with SO ₂ NH ₂	H
11s	2	Chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with sulfonyl	H
11t	4	chlorophenyl	thienyl	COR ³	Aryl substituted with halogen	--
11u	26	chlorophenyl	thienyl	COR ³	Aryl	--
11v	27	chlorophenyl	thienyl	heteroaryl	--	--
11w	37	chlorophenyl	thienyl	COR ³	Aryl substituted with halogen	--
11x	72	chlorophenyl	thienyl	NR ³ R ³	heteroaryl	H
11y	78	chlorophenyl	thienyl	COR ³	Aryl substituted with halogen	--
11z	80	chlorophenyl	thienyl	NR ³ R ³	alkylaryl	alkyl
11aa	83	chlorophenyl	thienyl	COR ³	Aryl substituted	--

					with alkyl	
11bb	86	chlorophenyl	thienyl	NR ³ R ³	Aryl	H
11cc	110	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with alkyl	H
11dd	111	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with CF₃	H
11ee	112	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with amino	H
11ff	113	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with alkoxy	H
11gg	114	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with thioalkoxy	H
11hh	115	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with nitro	H
11ii	116	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with alkoxy	H
11jj	117	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with aminocarbonyl	H
11kk	118	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with CF₃	H
11ll	119	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with nitro and sulfonyl	H
11mm	120	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with halogen	H
11nn	121	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with CF₃	H
11oo	122	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with sulfonyl	H
11pp	123	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with nitro	H
11qq	124	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with aminocarbonyl	H
11rr	126/127	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with halogen	H
11ss	128	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with alkoxy	H
11tt	129	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with sulfonyl	H
11uu	131	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with sulfonylalkoxy	H
11vv	132	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with amino	H
11ww	133	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted	H

					with hydroxy	
11xx	134	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with hydroxy	H
11yy	135	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with thioalkoxy-CF₃	H
11zz	136	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with alkyl	H
11aaa	137	chlorophenyl	thienyl	NR ³ R ³	Het substituted with CF₃	H
11bbb	138	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with Het	H
11ccc	139	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with alkyl	H
11ddd	140	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with alkyl	H
11eee	143	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with alkyl	H
11fff	144	chlorophenyl	thienyl	NR ³ R ³	Het substituted with nitro	H
11ggg	145	chlorophenyl	thienyl	NR ³ R ³	Het substituted with amino	H
11hhh	146	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with Aryl	H
11iii	147	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with alkylaryl	H
11jjj	148	chlorophenyl	thienyl	NR ³ R ³	Heteroaryl	H
11kkk	149	chlorophenyl	thienyl	NR ³ R ³	Het substituted with CF₃	H
11lll	153	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with alkyl	H
11mmm	156	chlorophenyl	thienyl	NR ³ R ³	Heteroaryl	H
11nnn	157	chlorophenyl	thienyl	NR ³ R ³	Heteroaryl	H
11ooo	177	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with sulfonyl	H
11ppp	180	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with halogen	H
11qqq	186	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with alkoxy	H
11rrr	187	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with CF₃	H
11sss	188	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with amino	H
11ttt	189	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with sulfonyl	H
11uuu	190	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with thioalkoxy	H
11vvv	192	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted	H

					with carboxycarbonyl	
11www	193	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with aminocarbonyl	H
11xxx	194	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with nitro	H
11yyy	195	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with alkoxy	H
11zzz	196	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with CF ₃	H
11aaaa	197	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with nitro	H
11bbbb	198	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with halogen	H
11cccc	199	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with CF ₃	H
11dddd	200	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with sulfonyl	H
11eeee	201	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with aminocarbonyl	H
11ffff	202	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with alkyl	H
11gggg	203	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with halogen	H
11hhhh	204	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with alkoxy	H
11iiii	205	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with CF ₃	H
11jjjj	206	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with amino	H
11kkkk	207	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with alkyl	H
11llll	208	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with sulfonyl	H
11mmmm	209	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with thioalkoxy	H
11nnnn	211	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with alkoxycarbonyl	H
11oooo	212	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with nitro	H
11pppp	213	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with nitro	H
11qqqq	214	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with alkoxy	H
1rrrr	215	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted	H

					with CF₃	
11ssss	216	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with nitro	H
11tttt	217	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with halogen	H
11uuuu	218	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with CF₃	H
11vvvv	219	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with sulfonyl	H
11wwww	220	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with aminocarbonyl	H
11xxxx	223/225	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with sulfonylalkoxy	H
11yyyy	224/226	nitrophenyl	thienyl	NR ³ R ³	Aryl	H
11zzzz	230	nitrophenyl	thienyl	NR ³ R ³	Heteroaryl substituted with nitro	H
11aaaaa	233	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with alkyl	H
11bbbbb	234	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with alkyl	H
11ccccc	235	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with alkyl	H
11ddddd	236	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with Het	H
11eeeeee	238	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with CF₃	H
11fffff	239	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with Aryl	H
11ggggg	240	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with alkylaryl	H
11hhhhh	243	nitrophenyl	thienyl	NR ³ R ³	Heteroaryl	H
11iiii	244	nitrophenyl	thienyl	NR ³ R ³	Heteroaryl substituted with amino	H
11jjjjj	245	nitrophenyl	thienyl	NR ³ R ³	Heteroaryl substituted with nitro	H
11kkkkk	247	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with alkyl	H
11lllll	248	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with alkyl	H
11mmmmm	249	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with alkyl	H
11nnnnnn	250	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with Het	H

11ooooo	252	nitrophenyl	thienyl	NR ³ R ³	Heteroaryl substituted with CF ₃	H
11ppppp	253	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with Aryl	H
11qqqqq	254	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with alkylaryl	H
11rrrrr	256	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with amino	H
11sssss	257	nitrophenyl	thienyl	NR ³ R ³	Heteroaryl	H
11ttttt	258	nitrophenyl	thienyl	NR ³ R ³	Heteroaryl substituted with amino	H
11uuuuu	259	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with nitro and sulfonyl	H
11vvvvv	261	nitrophenyl	thienyl	NR ³ R ³	Heteroaryl substituted with CF ₃	H
11wwwww	264	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with alkyl	H
11xxxxx	269	hydroxyphenyl	thienyl	NR ³ R ³	Aryl substituted with sulfonyl	H
11yyyyy	273	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with alkoxy	H
11zzzzz	274	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with CF ₃	H
11aaaaa	275	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with amino	H
11bbbbb	276	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with alkyl	H
11ccccc	277	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with sulfonyl	H
11ddddd	278	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with thioalkyl	H
11eeeeee	280	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with alkoxycarbonyl	H
11fffff	281	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with aminocarbonyl	H
11ggggg	282	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with alkoxy	H
11hhhhh	283	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with nitro	H
11iiiiii	284	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with CF ₃	H
11jjjjj	285	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted	H

11kkkkkk	286	methoxyphenyl	thienyl	NR ³ R ³	with nitro Aryl substituted with aminocarbonyl	H
11llllll	288	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with halogen	H
11mmmmmm	289	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with halogen	H
11nnnnnn	290	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with sulfonyl	H
11oooooo	292	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with sulfonylalkoxy	H
11pppppp	293	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with sulfonyl	H
11qqqqqq	294	methoxyphenyl	thienyl	NR ³ R ³	Aryl	H
11rrrrrr	295	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with thioalkoxy-CF₃	H
11ssssss	296	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with hydroxy	H
11tttttt		nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with thioalkoxy-CF₃	H
11uuuuuuu	299	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with hydroxy	H
11vvvvvvv	300	methoxyphenyl	thienyl	NR ³ R ³	heteroaryl	H
11wwwwww	301	methoxyphenyl	thienyl	NR ³ R ³	Heteroaryl substituted with amino	H
11xxxxxx	302	methoxyphenyl	thienyl	NR ³ R ³	Heteroaryl substituted with nitro	H
11yyyyyy	305	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with alkyl	H
11zzzzzz	306	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with alkyl	H
11aaaaaaa	307	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with alkyl	H
11bbbbbbb	308	methoxyphenyl	thienyl	NR ³ R ³	Heteroaryl substituted with CF₃	H
11ccccccc	309	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with het	H
11ddddddd	310	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with Aryl	H
11eeeeeee	314	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with alkylaryl	H

11ffffff	316	methoxyphenyl	thienyl	NR ³ R ³	Heteroaryl substituted with CF ₃	H
11ggggggg	319	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with alkyl	H
11hhhhhhh	321	nitropyrazol	thienyl	NR ³ R ³	heteroaryl	H
11iiiiiii	323	Thioxidyhydro-pyridine	thienyl	NR ³ R ³	heteroaryl	H
11jjjjjjj	328	chlorophenyl	furyl	NR ³ R ³	Aryl substituted with alkyl	H
11kkkkkkk	329	chlorophenyl	furyl	NR ³ R ³	Aryl substituted with halogen	H
11lllllll	330	chlorophenyl	furyl	NR ³ R ³	Aryl substituted with alkoxy	H
11mmmmmmm	331	chlorophenyl	furyl	NR ³ R ³	Aryl substituted with CF ₃	H
11nnnnnnn	332	chlorophenyl	furyl	NR ³ R ³	Aryl substituted with amino	H
11ooooooo	333	chlorophenyl	furyl	NR ³ R ³	Aryl substituted with sulfonyl	H
11ppppppp	334	chlorophenyl	furyl	NR ³ R ³	Aryl substituted with thioalkoxy	H
11qqqqqqq	336	chlorophenyl	furyl	NR ³ R ³	Aryl substituted with alkoxycarbonyl	H
11rrrrrrr	337	chlorophenyl	furyl	NR ³ R ³	Aryl substituted with aminocarbonyl	H
11sssssss	338	chlorophenyl	furyl	NR ³ R ³	Aryl substituted with nitro	H
11ttttttt	339	chlorophenyl	furyl	NR ³ R ³	Aryl substituted with alkoxy	H
11uuuuuuu	340	chlorophenyl	furyl	NR ³ R ³	Aryl substituted with CF ₃	H
11vvvvvvv	341	chlorophenyl	furyl	NR ³ R ³	Aryl substituted with nitro	H
11wwwwwww	342	chlorophenyl	furyl	NR ³ R ³	Aryl substituted with halogen	H
11xxxxxxx	343	chlorophenyl	furyl	NR ³ R ³	Aryl substituted with CF ₃	H
11yyyyyyy	344	chlorophenyl	furyl	NR ³ R ³	Aryl substituted with sulfonyl	H
11zzzzzzz	345	chlorophenyl	furyl	NR ³ R ³	Aryl substituted with amino	H
11aaaaaaaaa	348	chlorophenyl	furyl	NR ³ R ³	Aryl substituted with sulfonyl	H
11bbbbbbbbb	349	chlorophenyl	furyl	NR ³ R ³	Aryl	H
11cccccccc	350	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted	H

					with thioalkoxy-CF₃	
11ddddddddd	37	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with halogen	H
11eeeeeeeee	86	chlorophenyl	thienyl	NR ³ R ³	Aryl	H
11fffffffff	110	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with alkyl	H
11ggggggggg	120	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with halogen	H
11hhhhhhhhh	131	chlorophenyl	thienyl	NR ³ R ³	Aryl substituted with sulfonylalkoxy	H
11iiiiiii	204	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with alkoxy	H
11jjjjjjjjj	211	nitrophenyl	thienyl	NR ³ R ³	Aryl substituted with alkoxycarbonyl	H
11kkkkkkkkk	285	methoxyphenyl	thienyl	NR ³ R ³	Aryl substituted with nitro	H

As to the remaining issues in item 11 of the Office Action, it is believed that the present amendment overcomes these rejections for at least the following reasons (the numbering of which corresponds to item number in the Office Action):

(a) In reply to item (a), since "aminoacyl" has been changed to "acylamino" in response to item 9, the meaning of "acylamino" and "aminocarbonyl" are clearly distinct and in accordance with their definition on page 6, lines 20-25.

(b) In reply to item (b) Applicants have amended claim 1 to specify the meaning of R and R' according to the disclosure on page 6, lines 20-22.

(c) In reply to item (c), claim 1 has been revised to replace the incorrect term "C₁-C₆ alkyl,heteroaryl" with the correct term C₁-C₆ alkylheteroaryl", according to the disclosure on page 7 line 14.

(d) Claim 2 has been revised to replace "diastereoisomers" with "diastereoisomers" as supported by the disclosure at page 11, line 9.

(e) In claim 2, Applicants have amended the claim to specify the meaning of Rand R' according to the disclosure on page 6, lines 20-22.

(f) - (i) The rejections in items (f), (g), (h), and (i) are moot in view of the cancellation of claim 3 and the amendments to the claims. Specifically, claims 1 and 2 are amended to incorporate the definition of Y of 3. In doing so, Applicants note that the term "-NR³'C(O)NR³R³" has been revised to "-NR³'C(O)NR³'R³" as supported by the disclosure at page 9, line 12 of the international publication.

(j) - (k) Applicants have amended claim 5 to remove the meaning of Ar² so the claim is drawn only to Ar¹.

(l) The above-noted amendment to claim 1 to change "aminoacyl" to "acylamino" (in reply to item 9) renders this objection moot.

(m) In claim 7, Applicants have removed the "an unsubstituted or substituted" language.

(n) Claim 8 is amended to remove reference to the terms "thioxodihydropyridine and pyrazole."

(o) - (r) It is believed that the objections in items (o), (p), (q), and (r) are moot in view of the amended claims.

(11111111) The objection to claim 21 is moot in view of the amended claims.

(mmmmmmmm) Claim 21 is amended to insert a coma between the term "aryl-C₁-C₆-alkyl" and "heteroaryl-C₁-C₆-alkyl", according to the disclosure on page 11, lines 14.

(nnnnnnnn) This objection is moot in view of the amended claims.

(oooooooo) This objection is moot in view of the amended claims.

(pppppppp) Claim 21 is amended to remove the meaning of substituted or unsubstituted C₂-C₆ alkenyl of R³ and R^{3'}.

(qqqqqqqq) Claim 36 has been cancelled without prejudice or disclaimer.

It is believed that the present amendment overcomes the rejections. Thus, withdrawal of the rejections is requested.

IV. Written Description Rejections

Claims 1, 3, 20-22, 27, 28, and 31 were rejected under 35 U.S.C. §112, first paragraph, on the basis the specification lacks written description support for the claim language for the reasons in item 9 on page 9 of the Office Action. The Examiner argues that the definition of Ar¹, where the substituents include the moiety "aminoacyl", is not supported by the description in the specification with the respect to the genus of formula I.

Applicants have amended independent claim 1 to replace the objected term "aminoacyl" with "acylamino" as supported by the disclosure at page 11, line 16. It should be noted that the remaining claims depend on claim 1. Therefore, the present amendment renders the rejection moot. Withdrawal of the rejection is requested.

Claims 1, 3, 20-22, 27, 28, and 31 were rejected under 35 U.S.C. §112, first paragraph, on the basis the specification lacks written description support for the wherein clause at the end of claim 1 ending with "... formed by ring closure between vicinal functional substitutents" for the reasons in item 10 on page 9 of the Action.

For the sole purpose of expediting prosecution and not to acquiesce to the rejection, Applicants have amended claim 1 to remove the objected language at the end of the

claim. Support the amended claim language can be found throughout the disclosure and, for example, at page 7, lines 18-21. Therefore, the present amendment renders the rejection moot and withdrawal of the rejection is requested.

VI. Conclusion

Having addressed all the outstanding issues, the amendment is believed to be fully responsive to the Office Action. It is respectfully submitted that the claims are in condition for allowance and favorable action thereon is requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

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